

<p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>-----X</p> <p>DOMINIQUE DEMONCHAUX.</p> <p></p> <p>Plaintiff,</p> <p>-against-</p> <p>UNITED HEALTHCARE OXFORD AND OXFORD HEALTH PLANS (NY), INC.,</p> <p>Defendants.</p> <p>-----X</p>	<p>Civ. Act. No.: 10 CIV. 4491 (DAB)</p> <p>AFFIRMATION OF ELIZABETH K. GREEN IN SUPPORT OF PLAINTIFF’S MOTION FOR ATTORNEY FEES AND COSTS</p> <p>DOCUMENT <u>ELECTRONICALLY FILED</u></p>
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**AFFIRMATION OF ELIZABETH K. GREEN IN SUPPORT OF
PLAINTIFF’S MOTION FOR ATTORNEY FEES AND COSTS**

Plaintiff Dominique Demonchaux hereby submits the following Affirmation of Elizabeth K. Green in support of her Motion for an Award of Attorney’s Fees and Costs.

I, Elizabeth K. Green, declare and state:

1. I am an attorney duly licensed to practice law before all of the Courts of the State of California, the District Courts of the Central, Northern, Eastern, and Southern Districts of California, and the Ninth Circuit Court of Appeals. I am a senior associate in the law firm of Kantor & Kantor LLP, one of the counsel of record for plaintiff Dominique Demonchaux in this action. The following facts are of my own personal knowledge and if called as a witness I could and would competently testify thereto.

2. I am an associate attorney with Kantor & Kantor. In March 2003, I became employed by Gruber & Kantor, and upon the dissolution of Gruber & Kantor effective April 30, 2004, became employed by Kantor & Kantor effective its formation May 1, 2004. I graduated

from Washington College of Law at American University in Washington, D.C. in 1998. I became licensed to practice law in the State of California in December 1998. Since passing the bar, the focus of my practice has been insurance litigation.

3. Upon passing the bar exam, I became associated with the law firm of Quisenberry & Barbanel LLP, exclusively representing insureds in property and life insurance cases.

4. Since joining Kantor & Kantor, all of my practice has been devoted to the representation of insureds in disputes with their insurance carriers regarding health, life, and disability, and long term care claims. The large majority of the cases I have handled with Kantor & Kantor have involved ERISA disability or health claims. I estimate that since joining Kantor & Kantor, I have handled at least 200 ERISA matters. Several of these matters have resulted in favorable published decisions, including *Bowen v. Consolidated Elec. Distributors, Inc. Employee Welfare Ben.*, 461 F.Supp.2d 1179 (C.D. Cal. 2006), *Walker v. Metropolitan Life Ins. Co.*, 2008 WL 426068 (N.D. Cal. 2008), *Walker v. Metropolitan Life Ins. Co.*, 585 F.Supp.2d 1167 (N.D. Cal. 2008), *Rodden v. Jefferson Pilot Financial Ins. Co.*, 2008 WL 5422890 (N.D. Cal. 2008), *Dine v. Metropolitan Life Ins. Co.*, 449 Fed.Appx. 646 (9th Cir. 2011), *Dine v. Metropolitan Life Ins. Co.*, 2011 WL 6131312 (C.D.Cal. 2011), *Harlick v. Blue Shield of California*, 686 F.3d 699 (9th Cir. 2012), and *Lukas v. United Behavioral Health*, 2013 WL 223111 (9th Cir. January 13, 2013).

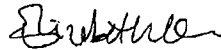
5. As described in the concurrently filed declaration of Lisa S. Kantor, and for the reasons set forth therein, the rate currently charged by Kantor & Kantor for my time effective January 1, 2011, is \$500.00 per hour. This rate is reasonable and consistent with the rates charged by firms performing similar legal services, as explained in the concurrently filed declaration of Lisa S. Kantor. I have negotiated the issue of attorneys' fees in a number of ERISA litigation matters resolved during 2012. While it has not been necessary to bring a Motion to have the attorneys' fees adjudicated by the Court, the resolution of the attorneys' fee issue has been predicated upon my hourly rate being \$500.00 per hour.

6. Attached the Declaration of Lisa S. Kantor as Exhibit C is the Court order in *Dine v. Metropolitan Life Ins. Co.*, 2011 WL 6131312 (C.D.Cal. 2011) finding that \$500.00 per hour is reasonable for my time in 2011. Ex. C, p. 6.

7. Attached to Lisa Kantor's declaration as Exhibit G is the Billing Detail of the services which I performed in the case, the date the work was performed, and the amount of time spent performing the task. I prepared and reviewed the Attorney Billing Detail as it pertained to the time I spent working on Ms. Demonchaux's case and I attest hereto as to the accuracy of the information as it pertains to my time. To date, Kantor & Kantor has not received any form of remuneration for its services.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 2nd day of April, 2013 at Northridge, California.



Elizabeth K. Green

CERTIFICATE OF SERVICE

I certify that on May 15, 2013, I served a true and complete copy of the foregoing Affirmation by transmitting the same by electronic mail to the following individuals at the e-mail addresses indicated:

Michael H. Bernstein, Esq.
Sedgwick LLP
225 Liberty Street, 28th Floor
New York, NY 10281-1008
Michael.Bernstein@sedgwicklaw.com

I also certify that this document filed through the ECF system will be sent electronically to all registered participants on May 15, 2013.

Dated: New York, New York
May 15, 2013

/s/ Scott M. Riemer
Scott M. Riemer (SR 5005)
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